

Pro Se 7 (Rev. 12/16) Complaint for Employment Discrimination

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DISTRICT OF NEW JERSEY
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UNITED STATES DISTRICT COURT

for the

District of New Jersey

Newark Division

Case No. CV. 22-5752 (JXN)(CLW)

(to be filled in by the Clerk's Office)

Henry Ortiz

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-v-

Sumitomo Mitsui Trust Bank (U.S.A.) Limited

Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

Jury Trial: (check one) ☒ Yes ☐ No

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DISTRICT OF NEW JERSEY
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COMPLAINT FOR EMPLOYMENT DISCRIMINATION

I. The Parties to This Complaint

A. The Plaintiff(s)

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name	Henry Ortiz
Street Address	27 Long Road
City and County	Freehold - Monmouth
State and Zip Code	New Jersey 07728
Telephone Number	201-723-1169
E-mail Address	henry.r.ortiz12@gmail.com

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (if known). Attach additional pages if needed.

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Defendant No. 1

Name	Hisato Nakano
Job or Title <i>(if known)</i>	President - Sumitomo Mitsui Trust Bank (U.S.A.) Limited
Street Address	111 River Street
City and County	Hoboken - Hudson
State and Zip Code	New Jersey 07030
Telephone Number	201-595-xxxx
E-mail Address <i>(if known)</i>	Hisato Nakano@smtbusa.com

Defendant No. 2

Name	Viana Ng
Job or Title <i>(if known)</i>	Executive Vice President - Human Resources
Street Address	111 River Street
City and County	Hoboken - Hudson
State and Zip Code	New Jersey 07030
Telephone Number	201-595-xxxx
E-mail Address <i>(if known)</i>	Viana Ng@smtbusa.com

Defendant No. 3

Name	Jasna Campeau
Job or Title <i>(if known)</i>	First Vice President - Head of Human Resources
Street Address	111 River Street
City and County	Hoboken - Hudson
State and Zip Code	New Jersey 07030
Telephone Number	201-595-8854
E-mail Address <i>(if known)</i>	Jasna Campeau@smtbusa.com

Defendant No. 4

Name	Chuck Gruppuso Jr.
Job or Title <i>(if known)</i>	Senior Vice President - Head of Information Technology
Street Address	111 River Street
City and County	Hoboken - Hudson
State and Zip Code	New Jersey 07030
Telephone Number	201-595-xxxx
E-mail Address <i>(if known)</i>	Chuck Gruppuso@smtbusa.com

C. Place of Employment

The address at which I sought employment or was employed by the defendant(s) is

Name	Sumitomo Mitsui Trust Bank (U.S.A.) Limited
Street Address	111 River Street
City and County	Hoboken - Hudson
State and Zip Code	New Jersey 07030
Telephone Number	201-595-8854

II. Basis for Jurisdiction

This action is brought for discrimination in employment pursuant to (check all that apply):

- ☒ Title VII of the Civil Rights Act of 1964, as codified, 42 U.S.C. §§ 2000e to 2000e-17 (race, color, gender, religion, national origin).

(Note: In order to bring suit in federal district court under Title VII, you must first obtain a Notice of Right to Sue letter from the Equal Employment Opportunity Commission.)

- ☐ Age Discrimination in Employment Act of 1967, as codified, 29 U.S.C. §§ 621 to 634.

(Note: In order to bring suit in federal district court under the Age Discrimination in Employment Act, you must first file a charge with the Equal Employment Opportunity Commission.)

- ☐ Americans with Disabilities Act of 1990, as codified, 42 U.S.C. §§ 12112 to 12117.

(Note: In order to bring suit in federal district court under the Americans with Disabilities Act, you must first obtain a Notice of Right to Sue letter from the Equal Employment Opportunity Commission.)

- ☐ Other federal law (specify the federal law):

- ☐ Relevant state law (specify, if known):

- ☐ Relevant city or county law (specify, if known):

III. Statement of Claim

Write a short and plain statement of the claim. Do not make legal arguments. State as briefly as possible the facts showing that each plaintiff is entitled to the damages or other relief sought. State how each defendant was involved and what each defendant did that caused the plaintiff harm or violated the plaintiff's rights, including the dates and places of that involvement or conduct. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

A. The discriminatory conduct of which I complain in this action includes *(check all that apply)*:

- ☐ Failure to hire me.
- ☐ Termination of my employment.
- ☐ Failure to promote me.
- ☐ Failure to accommodate my disability.
- ☐ Unequal terms and conditions of my employment.
- ☒ Retaliation.
- ☐ Other acts *(specify)*: _____

(Note: Only those grounds raised in the charge filed with the Equal Employment Opportunity Commission can be considered by the federal district court under the federal employment discrimination statutes.)

B. It is my best recollection that the alleged discriminatory acts occurred on date(s)
Prior to June 2021

C. I believe that defendant(s) *(check one)*:

- ☒ is/are still committing these acts against me.
- ☐ is/are not still committing these acts against me.

D. Defendant(s) discriminated against me based on my *(check all that apply and explain)*:

- ☒ race Hispanic
- ☐ color _____
- ☐ gender/sex _____
- ☐ religion _____
- ☐ national origin _____
- ☒ age *(year of birth)* 61 *(only when asserting a claim of age discrimination.)*
- ☐ disability or perceived disability *(specify disability)* _____

E. The facts of my case are as follows. Attach additional pages if needed.

After filing a claim of discrimination with the EEOC against my former employer Sumitomo Mitsui Trust Bank (U.S.A) Limited ("Sumitomo") (EEOC Charge #524-2019-00930). I agreed to withdraw the charge in or about September 2019 after negotiating a settlement agreement with Sumitomo at an EEOC mediation, which required my separation from employment.

Thereafter, on or about March 22, 2020, I filed for New Jersey Unemployment Insurance and was denied benefits for over one year. While fighting for my rights and ultimately winning my appeal for Unemployment Insurance benefits to the NJ Dept of Labor, I was made aware in June 2021 that Sumitomo responded to my request for NJ Unemployment by claiming falsely that I was discharged from employment for misconduct, which is completely false and my former employer knows it is false. At no time did Sumitomo try to correct the false allegation that my employment was not terminated for misconduct even though Sumitomo knew that I was not separated from employment for that reason. This terrible action and inaction by Sumitomo was responsible for my being denied Unemployment Insurance benefits. This action and inaction by my former employer is blatantly retaliatory action taken against me for previously filing an EEOC charge against Sumitomo.

I further note that upon information and belief, Sumitomo has also taken other retaliatory action against me. Sumitomo's conduct has caused me and my family unimaginable personal, emotional and physical distress, which has greatly affected the finances and health of myself and my family.

In addition, as plaintiff has applied for several hundred jobs during the course of the last 3 years, he has not been availed any of the various opportunities that he has applied for. Plaintiff has been informed that one such employer was responded as follows directly by Jasna Campeau via email:

Years Employed: March 17, 2003 - September 3, 2019

Roles and Responsibilities: AVP, Senior LAN Administrator

Evaluation of Work Performance: /In accordance with the Banks policy, we can only confirm dates of employment and position.

Reason for Termination: /In accordance with the Banks policy, we can only confirm dates of employment and position. We cannot provide additional information.

The above response is in clear violation of the terms agreed to in the Settlement Agreement and General Release, specifically, Section 14 - Neutral Job Reference, which states: Ortiz acknowledges and agrees that should he or any prospective employer desire that the Bank engage in any reference related communications, Ortiz will direct such inquiries exclusively to the Bank's Human Resources Department, which will provide only Ortiz's (i) Last Title (ii) Dates of Employment

(Note: As additional support for the facts of your claim, you may attach to this complaint a copy of your charge filed with the Equal Employment Opportunity Commission, or the charge filed with the relevant state or city human rights division.)

IV. Exhaustion of Federal Administrative Remedies

- A. It is my best recollection that I filed a charge with the Equal Employment Opportunity Commission or my Equal Employment Opportunity counselor regarding the defendant's alleged discriminatory conduct on *(date)*

September 7, 2021

B. The Equal Employment Opportunity Commission (check one):☐

has not issued a Notice of Right to Sue letter.

☒issued a Notice of Right to Sue letter, which I received on (date) 8/25/2022.*(Note: Attach a copy of the Notice of Right to Sue letter from the Equal Employment Opportunity Commission to this complaint.)***C. Only litigants alleging age discrimination must answer this question.**

Since filing my charge of age discrimination with the Equal Employment Opportunity Commission regarding the defendant's alleged discriminatory conduct (check one):

☐

60 days or more have elapsed.

☒

less than 60 days have elapsed.

V. Relief

State briefly and precisely what damages or other relief the plaintiff asks the court to order. Do not make legal arguments. Include any basis for claiming that the wrongs alleged are continuing at the present time. Include the amounts of any actual damages claimed for the acts alleged and the basis for these amounts. Include any punitive or exemplary damages claimed, the amounts, and the reasons you claim you are entitled to actual or punitive money damages.

\$1,500,000.00 - Damages - For violations of Title VII of the Civil Rights Act of 1964 - Retaliation.

\$2,500,000.00 - Punitive Damages - For Flagrant violation of the terms of the Settlement Agreement and General Release - signed September 3, 2019.

VI. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

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Date of signing: 9/27/2022

Signature of Plaintiff

Printed Name of Plaintiff Henry Ortiz

B. For Attorneys

Date of signing: _____

Signature of Attorney _____

Printed Name of Attorney _____

Bar Number _____

Name of Law Firm _____

Street Address _____

State and Zip Code _____

Telephone Number _____

E-mail Address _____